



The Maryland Public Policy Institute

April 24, 2023

Mr. Richard P. Henry
Inspector General for Education
Maryland Office of the Inspector General for Education
100 Community Place, 4th Floor.
Crownsville, MD 21032

Dear Mr. Henry:

We write to request that your office open an investigation into the Maryland Department of Education (MSDE) regarding recent reports that publicly available results from the Maryland Comprehensive Assessment Program (MCAP) have been altered following media inquiries.

MSDE's actions represent an apparent attempt to hide the academic performance of taxpayer funded schools from parents, taxpayers, the media, lawmakers, and third-party stakeholders. Transparency is essential to hold officials accountable. These actions violate the public's right to know how their government is performing. Now, the public deserves to know why the state's education system is concealing those results from view.

On February 6, 2023, WBFF-TV's *Project Baltimore* reported that zero students at twenty-three (23) Baltimore City Public Schools scored proficient in grade-level math in the 2021-2022 school year. After that report aired, the publicly posted data files – obtained directly from the MSDE website – were removed and replaced with data files that obscured the student counts. The revised data prevented analysis of the student proficiency rates at dozens of schools.

Following the removal of that data, MSDE issued a press release, dated April 20, 2023, blaming its outside web vendor for the premature disclosure of the data. It also claimed that the US Department of Education's "reporting requirements" mandated that the data be suppressed if the results met certain thresholds to prevent the identification of an individual student via their unique characteristics by "a reasonable person in the school community." Additionally, MSDE cited COVID school disruptions for its data suppression, yet announced it would retroactively remove MCAP information dating back to 2019.

MSDE's claims are deeply concerning as they are either false or self-serving or both:

- 1) If true, MSDE provided its web vendor with identifiable student information in violation of the federal Family Educational Rights and Privacy Act (FERPA);

- 2) These “de-identification” methods (i.e., suppressing groups of 30 or less students, or 5% in any category) are not federally mandated according to the same US Department of Education document cited by MSDE, which states, “*Question: Does the U.S. Department of Education require educational agencies and institutions to use specific data disclosure avoidance techniques? Answer: The Department does not mandate a particular method, nor does it establish a particular threshold for what constitutes sufficient disclosure avoidance. These decisions are left up to the individual State and local educational agencies and institutions to determine what works best within their specific contexts.*”
- 3) In prior years’ data releases for both the MCAP and its predecessor the PARCC exam, MSDE did not use these extreme data suppression techniques and instead used the 10-student threshold which the US Department of Education states is used by “a majority of States.”;
- 4) The applied data suppression did not in fact follow its own publicly stated guidelines, whereas several school level results reported student counts that, according to MSDE’s newly announced standards, required suppression. MSDE’s release stated, “[a]n example demonstrating the need for this additional suppression is a school having 20 students; 5% proficient would be one student and therefore there is a risk for reidentification of that student.” Yet, the currently available results list at least three (3) BCPSS schools and five (5) grades matching that criteria that are not suppressed.

LEA Name	School	School Name	Assessment	Student Group	Tested Count	Proficient Count	Proficient Pct	Level 1 Pct	Level 2 Pct	Level 3 Pct	Level 4 Pct
Baltimore City	0322	New Song Academy	Mathematics Grade 5	All Students	19	1	5.3	47.4	47.4	5.3	<= 5.0
Baltimore City	0326	City Neighbors Charter School	Algebra 1	All Students	19	1	5.3	47.4	47.4	5.3	<= 5.0
Baltimore City	0067	Edgewood Elementary	Mathematics Grade 5	All Students	18	1	5.6	50.0	44.4	5.6	<= 5.0
Baltimore City	0322	New Song Academy	Mathematics Grade 4	All Students	16	1	6.3	56.3	37.5	6.3	<= 5.0
Baltimore City	0322	New Song Academy	Mathematics Grade 6	All Students	16	1	6.3	62.5	31.3	6.3	<= 5.0

Therefore, we call upon the Office of the Inspector General for Education to initiate an investigation to MSDE’s policies and procedures related to the publication of student performance data, its obligations to provide timely and accurate data to the public regarding test results and other outcomes metrics, and its decision to remove and alter such data following public scrutiny of the data and its implications.

The underlying fact that every student at 23 Baltimore City Schools – including one “Five Star” rated school – failed to achieve grade-level math proficiency is a scandal. If MSDE sought to cover up that failure by obscuring the data, it warrants an immediate inquiry and, if those actions violated state or federal law, those responsible should be held accountable. Student privacy is important but bureaucrats who fail the children of Maryland cannot be allowed to hide behind such conveniently timed excuses to deflect blame for the tragic failure of our schools to educate students.

Thank you for your attention to this urgent and troubling matter. We look forward to your response.

Very truly yours,



Christopher B. Summers
President and Chief Executive Officer



Sean Kennedy
Visiting Fellow